IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.27161 of 2007

Dated: December 18, 2007

Between:

Kasimkota Suri Babu, S/o. late Sri Pothuraju,
Aged about 55 years, R/o. T. Arjapuram village,
Ravikamatham Mandal, D.No.7-12/B,
Visakhapatnam District, and others.

… Petitioners

And

The Sub-Inspector of Police,
Kothakota Police Station,
Visakhapatnam District, and others.

… Respondents

Order:

This writ petition is filed seeking Mandamus to declare the action of respondents 1 and 2 in not initiating action on the complaints of the petitioners dated 12-08-2007 and 15-12-2007, in which they sought to protect their property bearing D.No.7-12/B of Arjapuram village, Ravikamatham Mandal, Visakhapatnam District.

2. Petitioners have filed complaints dated 12-08-2007 and

15-12-2007 before the Station House Officer, Kothakota Police Station, stating that the third respondent, Sarpnach of T. Arjapuram Grampanchayat, is removing foundation bricks at the backyard of the aforesaid property for the purpose of erecting a statue. It is their complaint that the third respondent is forcibly trying to enter into the said backyard and taking steps for digging the land for erecting a statue. The grievance of the petitioners is that though complaints filed by them in this regard are pending, no action has been taken.

3. Heard learned counsel for petitioners and learned Government Pleaders for Home and Revenue, appearing for the respondents.

4. Learned Government Pleader for Home, on instructions, submits that, pursuant to the complaints filed by the petitioners, though they were asked to file supporting material evidencing their claim and title over the property in question, they failed to do so. It is stated that the statue, as alleged by the petitioners, is being erected in the Government land but not in the private property.

5. While petitioners allege that respondents are not taking action on their complaints referred above, it is the case of the respondents that though petitioners were asked to produce necessary material in support of their claim and title over the property in question, they did not do so. If no action is being taken on the complaints filed by the petitioners, it is open for them to file a private complaint under Section 190 Cr.P.C. before the competent Magistrate. Moreover, on instructions, it is submitted by learned Government Pleader that third respondent is not interfering with the private property and the statue is sought to be erected in Government land. Hence, I find no valid

grounds to admit this writ petition and issue directions as prayed for.

6. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 18, 2007
MRR